

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 6-103.2 and
6 6-103.3 as follows:

7 (405 ILCS 5/6-103.2)

8 Sec. 6-103.2. Developmental disability; notice. If ~~For~~
9 ~~purposes of this Section, if~~ a person 14 years old or older is
10 determined to be developmentally disabled ~~as defined in Section~~
11 ~~1.1 of the Firearm Owners Identification Card Act~~ by a
12 physician, clinical psychologist, or qualified examiner,
13 ~~whether practicing at a public or by a private mental health~~
14 ~~facility or developmental disability facility,~~ the physician,
15 clinical psychologist, or qualified examiner shall notify the
16 Department of Human Services within 7 days ~~24 hours~~ of making
17 the determination that the person has a developmental
18 disability. The Department of Human Services shall immediately
19 update its records and information relating to mental health
20 and developmental disabilities, and if appropriate, shall
21 notify the Department of State Police in a form and manner
22 prescribed by the Department of State Police. Information
23 disclosed under this Section shall remain privileged and

1 confidential, and shall not be redisclosed, except as required
2 under subsection (e) of Section 3.1 of the Firearm Owners
3 Identification Card Act, nor used for any other purpose. The
4 method of providing this information shall guarantee that the
5 information is not released beyond that which is necessary for
6 the purpose of this Section and shall be provided by rule by
7 the Department of Human Services. The identity of the person
8 reporting under this Section shall not be disclosed to the
9 subject of the report.

10 The physician, clinical psychologist, or qualified
11 examiner making the determination and his or her employer may
12 not be held criminally, civilly, or professionally liable for
13 making or not making the notification required under this
14 Section, except for willful or wanton misconduct.

15 For purposes of this Section, "developmentally disabled"
16 means a disability which is attributable to any other condition
17 which results in impairment similar to that caused by an
18 intellectual disability and which requires services similar to
19 those required by intellectually disabled persons. The
20 disability must originate before the age of 18 years, be
21 expected to continue indefinitely, and constitute a
22 substantial disability. This disability results in the
23 professional opinion of a physician, clinical psychologist, or
24 qualified examiner, in significant functional limitations in 3
25 or more of the following areas of major life activity:

26 (i) self-care;

- 1 (ii) receptive and expressive language;
2 (iii) learning;
3 (iv) mobility; or
4 (v) self-direction.

5 "Determined to be developmentally disabled by a physician,
6 clinical psychologist, or qualified examiner" means in the
7 professional opinion of the physician, clinical psychologist,
8 or qualified examiner, a person is diagnosed, assessed, or
9 evaluated to be developmentally disabled.

10 (Source: P.A. 98-63, eff. 7-9-13.)

11 (405 ILCS 5/6-103.3)

12 Sec. 6-103.3. Clear and present danger; notice. If a person
13 is determined to pose a clear and present danger to himself,
14 herself, or to others by a physician, clinical psychologist, or
15 qualified examiner, whether employed by the State, by any
16 public or private mental health facility or part thereof, or by
17 a law enforcement official or a school administrator, then the
18 physician, clinical psychologist, qualified examiner shall
19 notify the Department of Human Services and a law enforcement
20 official or school administrator shall notify the Department of
21 State Police, within 24 hours of making the determination that
22 the person poses a clear and present danger. The Department of
23 Human Services shall immediately update its records and
24 information relating to mental health and developmental
25 disabilities, and if appropriate, shall notify the Department

1 of State Police in a form and manner prescribed by the
2 Department of State Police. Information disclosed under this
3 Section shall remain privileged and confidential, and shall not
4 be redisclosed, except as required under subsection (e) of
5 Section 3.1 of the Firearm Owners Identification Card Act, nor
6 used for any other purpose. The method of providing this
7 information shall guarantee that the information is not
8 released beyond that which is necessary for the purpose of this
9 Section and shall be provided by rule by the Department of
10 Human Services. The identity of the person reporting under this
11 Section shall not be disclosed to the subject of the report.
12 The physician, clinical psychologist, qualified examiner, law
13 enforcement official, or school administrator making the
14 determination and his or her employer shall not be held
15 criminally, civilly, or professionally liable for making or not
16 making the notification required under this Section, except for
17 willful or wanton misconduct. This Section does not apply to a
18 law enforcement official, if making the notification under this
19 Section will interfere with an ongoing or pending criminal
20 investigation.

21 For the purposes of this Section:

22 "Clear and present danger" has the meaning ascribed to
23 it in Section 1.1 of the Firearm Owners Identification Card
24 Act.

25 "Determined to pose a clear and present danger to
26 himself, herself, or to others by a physician, clinical

1 psychologist, or qualified examiner" means in the
2 professional opinion of the physician, clinical
3 psychologist, or qualified examiner, a person poses a clear
4 and present danger.

5 "School administrator" means the person required to
6 report under the School Administrator Reporting of Mental
7 Health Clear and Present Danger Determinations Law.

8 (Source: P.A. 98-63, eff. 7-9-13.)

9 Section 10. The Firearm Owners Identification Card Act is
10 amended by changing Sections 1.1, 2, 3, 3a, and 10 as follows:

11 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

12 Sec. 1.1. For purposes of this Act:

13 "Addicted to narcotics" means a person who has been:

14 (1) convicted of an offense involving the use or
15 possession of cannabis, a controlled substance, or
16 methamphetamine within the past year; or

17 (2) determined by the Department of State Police to be
18 addicted to narcotics based upon federal law or federal
19 guidelines.

20 "Addicted to narcotics" does not include possession or use
21 of a prescribed controlled substance under the direction and
22 authority of a physician or other person authorized to
23 prescribe the controlled substance when the controlled
24 substance is used in the prescribed manner.

1 "Adjudicated as a mentally disabled person" means the
2 person is the subject of a determination by a court, board,
3 commission or other lawful authority that the person, as a
4 result of marked subnormal intelligence, or mental illness,
5 mental impairment, incompetency, condition, or disease:

6 (1) presents a clear and present danger to himself,
7 herself, or to others;

8 (2) lacks the mental capacity to manage his or her own
9 affairs or is adjudicated a disabled person as defined in
10 Section 11a-2 of the Probate Act of 1975;

11 (3) is not guilty in a criminal case by reason of
12 insanity, mental disease or defect;

13 (3.5) is guilty but mentally ill, as provided in
14 Section 5-2-6 of the Unified Code of Corrections;

15 (4) is incompetent to stand trial in a criminal case;

16 (5) is not guilty by reason of lack of mental
17 responsibility under Articles 50a and 72b of the Uniform
18 Code of Military Justice, 10 U.S.C. 850a, 876b;

19 (6) is a sexually violent person under subsection (f)
20 of Section 5 of the Sexually Violent Persons Commitment
21 Act;

22 (7) is a sexually dangerous person under the Sexually
23 Dangerous Persons Act;

24 (8) is unfit to stand trial under the Juvenile Court
25 Act of 1987;

26 (9) is not guilty by reason of insanity under the

1 Juvenile Court Act of 1987;

2 (10) is subject to involuntary admission as an
3 inpatient as defined in Section 1-119 of the Mental Health
4 and Developmental Disabilities Code;

5 (11) is subject to involuntary admission as an
6 outpatient as defined in Section 1-119.1 of the Mental
7 Health and Developmental Disabilities Code;

8 (12) is subject to judicial admission as set forth in
9 Section 4-500 of the Mental Health and Developmental
10 Disabilities Code; or

11 (13) is subject to the provisions of the Interstate
12 Agreements on Sexually Dangerous Persons Act.

13 "Clear and present danger" means a person who:

14 (1) communicates a serious threat of physical violence
15 against a reasonably identifiable victim or poses a clear
16 and imminent risk of serious physical injury to himself,
17 herself, or another person as determined by a physician,
18 clinical psychologist, or qualified examiner; or

19 (2) demonstrates threatening physical or verbal
20 behavior, such as violent, suicidal, or assaultive
21 threats, actions, or other behavior, as determined by a
22 physician, clinical psychologist, qualified examiner,
23 school administrator, or law enforcement official.

24 "Clinical psychologist" has the meaning provided in
25 Section 1-103 of the Mental Health and Developmental
26 Disabilities Code.

1 "Controlled substance" means a controlled substance or
2 controlled substance analog as defined in the Illinois
3 Controlled Substances Act.

4 "Counterfeit" means to copy or imitate, without legal
5 authority, with intent to deceive.

6 "Developmentally disabled" means a disability which is
7 attributable to any other condition which results in impairment
8 similar to that caused by an intellectual disability and which
9 requires services similar to those required by intellectually
10 disabled persons. The disability must originate before the age
11 of 18 years, be expected to continue indefinitely, and
12 constitute a substantial disability ~~handicap~~.

13 This disability results in the professional opinion of a
14 physician, clinical psychologist, or qualified examiner, in
15 significant functional limitations in 3 or more of the
16 following areas of major life activity:

- 17 (i) self-care;
18 (ii) receptive and expressive language;
19 (iii) learning;
20 (iv) mobility; or
21 (v) self-direction.

22 "Federally licensed firearm dealer" means a person who is
23 licensed as a federal firearms dealer under Section 923 of the
24 federal Gun Control Act of 1968 (18 U.S.C. 923).

25 "Firearm" means any device, by whatever name known, which
26 is designed to expel a projectile or projectiles by the action

1 of an explosion, expansion of gas or escape of gas; excluding,
2 however:

3 (1) any pneumatic gun, spring gun, paint ball gun, or
4 B-B gun which expels a single globular projectile not
5 exceeding .18 inch in diameter or which has a maximum
6 muzzle velocity of less than 700 feet per second;

7 (1.1) any pneumatic gun, spring gun, paint ball gun, or
8 B-B gun which expels breakable paint balls containing
9 washable marking colors;

10 (2) any device used exclusively for signalling or
11 safety and required or recommended by the United States
12 Coast Guard or the Interstate Commerce Commission;

13 (3) any device used exclusively for the firing of stud
14 cartridges, explosive rivets or similar industrial
15 ammunition; and

16 (4) an antique firearm (other than a machine-gun)
17 which, although designed as a weapon, the Department of
18 State Police finds by reason of the date of its
19 manufacture, value, design, and other characteristics is
20 primarily a collector's item and is not likely to be used
21 as a weapon.

22 "Firearm ammunition" means any self-contained cartridge or
23 shotgun shell, by whatever name known, which is designed to be
24 used or adaptable to use in a firearm; excluding, however:

25 (1) any ammunition exclusively designed for use with a
26 device used exclusively for signalling or safety and

1 required or recommended by the United States Coast Guard or
2 the Interstate Commerce Commission; and

3 (2) any ammunition designed exclusively for use with a
4 stud or rivet driver or other similar industrial
5 ammunition.

6 "Gun show" means an event or function:

7 (1) at which the sale and transfer of firearms is the
8 regular and normal course of business and where 50 or more
9 firearms are displayed, offered, or exhibited for sale,
10 transfer, or exchange; or

11 (2) at which not less than 10 gun show vendors display,
12 offer, or exhibit for sale, sell, transfer, or exchange
13 firearms.

14 "Gun show" includes the entire premises provided for an
15 event or function, including parking areas for the event or
16 function, that is sponsored to facilitate the purchase, sale,
17 transfer, or exchange of firearms as described in this Section.
18 Nothing in this definition shall be construed to exclude a gun
19 show held in conjunction with competitive shooting events at
20 the World Shooting Complex sanctioned by a national governing
21 body in which the sale or transfer of firearms is authorized
22 under subparagraph (5) of paragraph (g) of subsection (A) of
23 Section 24-3 of the Criminal Code of 2012.

24 Unless otherwise expressly stated, "gun show" ~~"Gun show"~~
25 does not include training or safety classes, competitive
26 shooting events, such as rifle, shotgun, or handgun matches,

1 trap, skeet, or sporting clays shoots, dinners, banquets,
2 raffles, or any other event where the sale or transfer of
3 firearms is not the primary course of business.

4 "Gun show promoter" means a person who organizes or
5 operates a gun show.

6 "Gun show vendor" means a person who exhibits, sells,
7 offers for sale, transfers, or exchanges any firearms at a gun
8 show, regardless of whether the person arranges with a gun show
9 promoter for a fixed location from which to exhibit, sell,
10 offer for sale, transfer, or exchange any firearm.

11 "Intellectually disabled" means significantly subaverage
12 general intellectual functioning which exists concurrently
13 with impairment in adaptive behavior and which originates
14 before the age of 18 years.

15 "Involuntarily admitted" has the meaning as prescribed in
16 Sections 1-119 and 1-119.1 of the Mental Health and
17 Developmental Disabilities Code.

18 "Mental health facility" means any licensed private
19 hospital or hospital affiliate, institution, or facility, or
20 part thereof, and any facility, or part thereof, operated by
21 the State or a political subdivision thereof which provide
22 treatment of persons with mental illness and includes all
23 hospitals, institutions, clinics, evaluation facilities,
24 mental health centers, colleges, universities, long-term care
25 facilities, and nursing homes, or parts thereof, which provide
26 treatment of persons with mental illness whether or not the

1 primary purpose is to provide treatment of persons with mental
2 illness.

3 "National governing body" means a group of persons who
4 adopt rules and formulate policy on behalf of a national
5 firearm sporting organization.

6 "Patient" means:

7 (1) a person who voluntarily receives mental health
8 treatment as an in-patient or resident of any public or
9 private mental health facility, unless the treatment was
10 solely for an alcohol abuse disorder and no other secondary
11 substance abuse disorder or mental illness; or

12 (2) a person who voluntarily receives mental health
13 treatment as an out-patient or is provided services by a
14 public or private mental health facility, and who poses a
15 clear and present danger to himself, herself, or to others.

16 "Physician" has the meaning as defined in Section 1-120 of
17 the Mental Health and Developmental Disabilities Code.

18 "Qualified examiner" has the meaning provided in Section
19 1-122 of the Mental Health and Developmental Disabilities Code.

20 "Sanctioned competitive shooting event" means a shooting
21 contest officially recognized by a national or state shooting
22 sport association, and includes any sight-in or practice
23 conducted in conjunction with the event.

24 "School administrator" means the person required to report
25 under the School Administrator Reporting of Mental Health Clear
26 and Present Danger Determinations Law.

1 "Stun gun or taser" has the meaning ascribed to it in
2 Section 24-1 of the Criminal Code of 2012.

3 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;
4 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

5 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

6 Sec. 2. Firearm Owner's Identification Card required;
7 exceptions.

8 (a) (1) No person may acquire or possess any firearm, stun
9 gun, or taser within this State without having in his or
10 her possession a Firearm Owner's Identification Card
11 previously issued in his or her name by the Department of
12 State Police under the provisions of this Act.

13 (2) No person may acquire or possess firearm ammunition
14 within this State without having in his or her possession a
15 Firearm Owner's Identification Card previously issued in
16 his or her name by the Department of State Police under the
17 provisions of this Act.

18 (b) The provisions of this Section regarding the possession
19 of firearms, firearm ammunition, stun guns, and tasers do not
20 apply to:

21 (1) United States Marshals, while engaged in the
22 operation of their official duties;

23 (2) Members of the Armed Forces of the United States or
24 the National Guard, while engaged in the operation of their
25 official duties;

1 (3) Federal officials required to carry firearms,
2 while engaged in the operation of their official duties;

3 (4) Members of bona fide veterans organizations which
4 receive firearms directly from the armed forces of the
5 United States, while using the firearms for ceremonial
6 purposes with blank ammunition;

7 (5) Nonresident hunters during hunting season, with
8 valid nonresident hunting licenses and while in an area
9 where hunting is permitted; however, at all other times and
10 in all other places these persons must have their firearms
11 unloaded and enclosed in a case;

12 (6) Those hunters exempt from obtaining a hunting
13 license who are required to submit their Firearm Owner's
14 Identification Card when hunting on Department of Natural
15 Resources owned or managed sites;

16 (7) Nonresidents while on a firing or shooting range
17 recognized by the Department of State Police; however,
18 these persons must at all other times and in all other
19 places have their firearms unloaded and enclosed in a case;

20 (8) Nonresidents while at a firearm showing or display
21 recognized by the Department of State Police; however, at
22 all other times and in all other places these persons must
23 have their firearms unloaded and enclosed in a case;

24 (9) Nonresidents whose firearms are unloaded and
25 enclosed in a case;

26 (10) Nonresidents who are currently licensed or

1 registered to possess a firearm in their resident state;

2 (11) Unemancipated minors while in the custody and
3 immediate control of their parent or legal guardian or
4 other person in loco parentis to the minor if the parent or
5 legal guardian or other person in loco parentis to the
6 minor has a currently valid Firearm Owner's Identification
7 Card;

8 (12) Color guards of bona fide veterans organizations
9 or members of bona fide American Legion bands while using
10 firearms for ceremonial purposes with blank ammunition;

11 (13) Nonresident hunters whose state of residence does
12 not require them to be licensed or registered to possess a
13 firearm and only during hunting season, with valid hunting
14 licenses, while accompanied by, and using a firearm owned
15 by, a person who possesses a valid Firearm Owner's
16 Identification Card and while in an area within a
17 commercial club licensed under the Wildlife Code where
18 hunting is permitted and controlled, but in no instance
19 upon sites owned or managed by the Department of Natural
20 Resources;

21 (14) Resident hunters who are properly authorized to
22 hunt and, while accompanied by a person who possesses a
23 valid Firearm Owner's Identification Card, hunt in an area
24 within a commercial club licensed under the Wildlife Code
25 where hunting is permitted and controlled;

26 (15) A person who is otherwise eligible to obtain a

1 Firearm Owner's Identification Card under this Act and is
2 under the direct supervision of a holder of a Firearm
3 Owner's Identification Card who is 21 years of age or older
4 while the person is on a firing or shooting range or is a
5 participant in a firearms safety and training course
6 recognized by a law enforcement agency or a national,
7 statewide shooting sports organization; and

8 (16) Competitive shooting athletes whose competition
9 firearms are sanctioned by the International Olympic
10 Committee, the International Paralympic Committee, the
11 International Shooting Sport Federation, or USA Shooting
12 in connection with such athletes' training for and
13 participation in shooting competitions at the 2016 Olympic
14 and Paralympic Games and sanctioned test events leading up
15 to the 2016 Olympic and Paralympic Games.

16 (c) The provisions of this Section regarding the
17 acquisition and possession of firearms, firearm ammunition,
18 stun guns, and tasers do not apply to law enforcement officials
19 of this or any other jurisdiction, while engaged in the
20 operation of their official duties.

21 (c-5) The provisions of paragraphs (1) and (2) of
22 subsection (a) of this Section regarding the possession of
23 firearms and firearm ammunition do not apply to the holder of a
24 valid concealed carry license issued under the Firearm
25 Concealed Carry Act who is in physical possession of the
26 concealed carry license.

1 (d) Any person who becomes a resident of this State, who is
2 not otherwise prohibited from obtaining, possessing, or using a
3 firearm or firearm ammunition, shall not be required to have a
4 Firearm Owner's Identification Card to possess firearms or
5 firearms ammunition until 60 calendar days after he or she
6 obtains an Illinois driver's license or Illinois
7 Identification Card.

8 (Source: P.A. 96-7, eff. 4-3-09; 97-1131, eff. 1-1-13.)

9 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

10 Sec. 3. (a) Except as provided in Section 3a, no person may
11 knowingly transfer, or cause to be transferred, any firearm,
12 firearm ammunition, stun gun, or taser to any person within
13 this State unless the transferee with whom he deals displays
14 either: (1) a currently valid Firearm Owner's Identification
15 Card which has previously been issued in his or her name by the
16 Department of State Police under the provisions of this Act; or
17 (2) a currently valid license to carry a concealed firearm
18 which has previously been issued in his or her name by the
19 Department of State Police under the Firearm Concealed Carry
20 Act. In addition, all firearm, stun gun, and taser transfers by
21 federally licensed firearm dealers are subject to Section 3.1.

22 (a-5) Any person who is not a federally licensed firearm
23 dealer and who desires to transfer or sell a firearm while that
24 person is on the grounds of a gun show must, before selling or
25 transferring the firearm, request the Department of State

1 Police to conduct a background check on the prospective
2 recipient of the firearm in accordance with Section 3.1.

3 (a-10) Notwithstanding item (2) of subsection (a) of this
4 Section, any ~~Any~~ person who is not a federally licensed firearm
5 dealer and who desires to transfer or sell a firearm or
6 firearms to any person who is not a federally licensed firearm
7 dealer shall, before selling or transferring the firearms,
8 contact the Department of State Police with the transferee's or
9 purchaser's Firearm Owner's Identification Card number to
10 determine the validity of the transferee's or purchaser's
11 Firearm Owner's Identification Card. This subsection shall not
12 be effective until January 1, 2014. The Department of State
13 Police may adopt rules concerning the implementation of this
14 subsection. The Department of State Police shall provide the
15 seller or transferor an approval number if the purchaser's
16 Firearm Owner's Identification Card is valid. Approvals issued
17 by the Department for the purchase of a firearm pursuant to
18 this subsection are valid for 30 days from the date of issue.

19 (a-15) The provisions of subsection (a-10) of this Section
20 do not apply to:

21 (1) transfers that occur at the place of business of a
22 federally licensed firearm dealer, if the federally
23 licensed firearm dealer conducts a background check on the
24 prospective recipient of the firearm in accordance with
25 Section 3.1 of this Act and follows all other applicable
26 federal, State, and local laws as if he or she were the

1 seller or transferor of the firearm, although the dealer is
2 not required to accept the firearm into his or her
3 inventory. The purchaser or transferee may be required by
4 the federally licensed firearm dealer to pay a fee not to
5 exceed \$10 per firearm, which the dealer may retain as
6 compensation for performing the functions required under
7 this paragraph, plus the applicable fees authorized by
8 Section 3.1;

9 (2) transfers as a bona fide gift to the transferor's
10 husband, wife, son, daughter, stepson, stepdaughter,
11 father, mother, stepfather, stepmother, brother, sister,
12 nephew, niece, uncle, aunt, grandfather, grandmother,
13 grandson, granddaughter, father-in-law, mother-in-law,
14 son-in-law, or daughter-in-law;

15 (3) transfers by persons acting pursuant to operation
16 of law or a court order;

17 (4) transfers on the grounds of a gun show under
18 subsection (a-5) of this Section;

19 (5) the delivery of a firearm by its owner to a
20 gunsmith for service or repair, the return of the firearm
21 to its owner by the gunsmith, or the delivery of a firearm
22 by a gunsmith to a federally licensed firearms dealer for
23 service or repair and the return of the firearm to the
24 gunsmith;

25 (6) temporary transfers that occur while in the home of
26 the unlicensed transferee, if the unlicensed transferee is

1 not otherwise prohibited from possessing firearms and the
2 unlicensed transferee reasonably believes that possession
3 of the firearm is necessary to prevent imminent death or
4 great bodily harm to the unlicensed transferee;

5 (7) transfers to a law enforcement or corrections
6 agency or a law enforcement or corrections officer acting
7 within the course and scope of his or her official duties;

8 (8) transfers of firearms that have been rendered
9 permanently inoperable to a nonprofit historical society,
10 museum, or institutional collection; and

11 (9) transfers to a person who is exempt from the
12 requirement of possessing a Firearm Owner's Identification
13 Card under Section 2 of this Act.

14 (a-20) The Department of State Police shall develop an
15 Internet-based system for individuals to determine the
16 validity of a Firearm Owner's Identification Card prior to the
17 sale or transfer of a firearm. The Department shall have the
18 Internet-based system completed and available for use by July
19 1, 2015. The Department shall adopt rules not inconsistent with
20 this Section to implement this system.

21 (b) Any person within this State who transfers or causes to
22 be transferred any firearm, stun gun, or taser shall keep a
23 record of such transfer for a period of 10 years from the date
24 of transfer. Such record shall contain the date of the
25 transfer; the description, serial number or other information
26 identifying the firearm, stun gun, or taser if no serial number

1 is available; and, if the transfer was completed within this
2 State, the transferee's Firearm Owner's Identification Card
3 number and any approval number or documentation provided by the
4 Department of State Police pursuant to subsection (a-10) of
5 this Section. On or after January 1, 2006, the record shall
6 contain the date of application for transfer of the firearm. On
7 demand of a peace officer such transferor shall produce for
8 inspection such record of transfer. If the transfer or sale
9 took place at a gun show, the record shall include the unique
10 identification number. Failure to record the unique
11 identification number or approval number is a petty offense.

12 (b-5) Any resident may purchase ammunition from a person
13 within or outside of Illinois if shipment is by United States
14 mail or by a private express carrier authorized by federal law
15 to ship ammunition. Any resident purchasing ammunition within
16 or outside the State of Illinois must provide the seller with a
17 copy of his or her valid Firearm Owner's Identification Card or
18 valid concealed carry license and either his or her Illinois
19 driver's license or Illinois State Identification Card prior to
20 the shipment of the ammunition. The ammunition may be shipped
21 only to an address on either of those 2 documents.

22 (c) The provisions of this Section regarding the transfer
23 of firearm ammunition shall not apply to those persons
24 specified in paragraph (b) of Section 2 of this Act.

25 (Source: P.A. 97-1135, eff. 12-4-12; 98-508, eff. 8-19-13.)

1 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

2 Sec. 3a. (a) Any resident of Illinois who has obtained a
3 firearm owner's identification card pursuant to this Act and
4 who is not otherwise prohibited from obtaining, possessing or
5 using a firearm may purchase or obtain a rifle or shotgun or
6 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
7 Wisconsin or Kentucky.

8 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
9 Kentucky or a non-resident with a valid non-resident hunting
10 license, who is 18 years of age or older and who is not
11 prohibited by the laws of Illinois, the state of his domicile,
12 or the United States from obtaining, possessing or using a
13 firearm, may purchase or obtain a rifle, shotgun or ammunition
14 for a rifle or shotgun in Illinois.

15 (b-5) Any non-resident who is participating in a sanctioned
16 competitive shooting event, who is 18 years of age or older and
17 who is not prohibited by the laws of Illinois, the state of his
18 or her domicile, or the United States from obtaining,
19 possessing, or using a firearm, may purchase or obtain a
20 shotgun or shotgun ammunition in Illinois for the purpose of
21 participating in that event. A person may purchase or obtain a
22 shotgun or shotgun ammunition under this subsection only at the
23 site where the sanctioned competitive shooting event is being
24 held.

25 (b-10) Any non-resident registered competitor or attendee
26 of a competitive shooting event held at the World Shooting

1 Complex sanctioned by a national governing body, who is not
2 prohibited by the laws of Illinois, the state of his or her
3 domicile, or the United States from obtaining, possessing, or
4 using a firearm may purchase or obtain a rifle, shotgun, or
5 other long gun or ammunition for a rifle, shotgun, or other
6 long gun at the competitive shooting event. The sanctioning
7 body shall provide a list of registered competitors and
8 attendees as required under subparagraph (5) of paragraph (g)
9 of subsection (A) of Section 24-3 of the Criminal Code of 2012.
10 A competitor or attendee of a competitive shooting event who
11 does not wish to purchase a firearm at the event is not
12 required to register or have his or her name appear on a list
13 of registered competitors and attendees provided to the
14 Department of State Police by the sanctioning body.

15 (c) Any transaction under this Section is subject to the
16 provisions of the Gun Control Act of 1968 (18 U.S.C. 922
17 (b)(3)).

18 (Source: P.A. 94-353, eff. 7-29-05.)

19 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

20 Sec. 10. Appeal to director; hearing; relief from firearm
21 prohibitions.

22 (a) Whenever an application for a Firearm Owner's
23 Identification Card is denied, whenever the Department fails to
24 act on an application within 30 days of its receipt, or
25 whenever such a Card is revoked or seized as provided for in

1 Section 8 of this Act, the aggrieved party may appeal to the
2 Director of State Police for a hearing upon such denial,
3 revocation or seizure, unless the denial, revocation, or
4 seizure was based upon a forcible felony, stalking, aggravated
5 stalking, domestic battery, any violation of the Illinois
6 Controlled Substances Act, the Methamphetamine Control and
7 Community Protection Act, or the Cannabis Control Act that is
8 classified as a Class 2 or greater felony, any felony violation
9 of Article 24 of the Criminal Code of 1961 or the Criminal Code
10 of 2012, or any adjudication as a delinquent minor for the
11 commission of an offense that if committed by an adult would be
12 a felony, in which case the aggrieved party may petition the
13 circuit court in writing in the county of his or her residence
14 for a hearing upon such denial, revocation, or seizure.

15 (b) At least 30 days before any hearing in the circuit
16 court, the petitioner shall serve the relevant State's Attorney
17 with a copy of the petition. The State's Attorney may object to
18 the petition and present evidence. At the hearing the court
19 shall determine whether substantial justice has been done.
20 Should the court determine that substantial justice has not
21 been done, the court shall issue an order directing the
22 Department of State Police to issue a Card. However, the court
23 shall not issue the order if the petitioner is otherwise
24 prohibited from obtaining, possessing, or using a firearm under
25 federal law.

26 (c) Any person prohibited from possessing a firearm under

1 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
2 acquiring a Firearm Owner's Identification Card under Section 8
3 of this Act may apply to the Director of State Police or
4 petition the circuit court in the county where the petitioner
5 resides, whichever is applicable in accordance with subsection
6 (a) of this Section, requesting relief from such prohibition
7 and the Director or court may grant such relief if it is
8 established by the applicant to the court's or Director's
9 satisfaction that:

10 (0.05) when in the circuit court, the State's Attorney
11 has been served with a written copy of the petition at
12 least 30 days before any such hearing in the circuit court
13 and at the hearing the State's Attorney was afforded an
14 opportunity to present evidence and object to the petition;

15 (1) the applicant has not been convicted of a forcible
16 felony under the laws of this State or any other
17 jurisdiction within 20 years of the applicant's
18 application for a Firearm Owner's Identification Card, or
19 at least 20 years have passed since the end of any period
20 of imprisonment imposed in relation to that conviction;

21 (2) the circumstances regarding a criminal conviction,
22 where applicable, the applicant's criminal history and his
23 reputation are such that the applicant will not be likely
24 to act in a manner dangerous to public safety;

25 (3) granting relief would not be contrary to the public
26 interest; and

1 (4) granting relief would not be contrary to federal
2 law.

3 (c-5) (1) An active law enforcement officer employed by a
4 unit of government, who is denied, revoked, or has his or her
5 Firearm Owner's Identification Card seized under subsection
6 (e) of Section 8 of this Act may apply to the Director of State
7 Police requesting relief if the officer did not act in a manner
8 threatening to the officer, another person, or the public as
9 determined by the treating clinical psychologist or physician,
10 and as a result of his or her work is referred by the employer
11 for or voluntarily seeks mental health evaluation or treatment
12 by a licensed clinical psychologist, psychiatrist, or
13 qualified examiner, and:

14 (A) the officer has not received treatment
15 involuntarily at a mental health facility, regardless of
16 the length of admission; or has not been voluntarily
17 admitted to a mental health facility for more than 30 days
18 and not for more than one incident within the past 5 years;
19 and

20 (B) the officer has not left the mental institution
21 against medical advice.

22 (2) The Director of State Police shall grant expedited
23 relief to active law enforcement officers described in
24 paragraph (1) of this subsection (c-5) upon a determination by
25 the Director that the officer's possession of a firearm does
26 not present a threat to themselves, others, or public safety.

1 The Director shall act on the request for relief within 30
2 business days of receipt of:

3 (A) a notarized statement from the officer in the form
4 prescribed by the Director detailing the circumstances
5 that led to the hospitalization;

6 (B) all documentation regarding the admission,
7 evaluation, treatment and discharge from the treating
8 licensed clinical psychologist or psychiatrist of the
9 officer;

10 (C) a psychological fitness for duty evaluation of the
11 person completed after the time of discharge; and

12 (D) written confirmation in the form prescribed by the
13 Director from the treating licensed clinical psychologist
14 or psychiatrist that the provisions set forth in paragraph
15 (1) of this subsection (c-5) have been met, the person
16 successfully completed treatment, and their professional
17 opinion regarding the person's ability to possess
18 firearms.

19 (3) Officers eligible for the expedited relief in paragraph
20 (2) of this subsection (c-5) have the burden of proof on
21 eligibility and must provide all information required. The
22 Director may not consider granting expedited relief until the
23 proof and information is received.

24 (4) "Clinical psychologist", "psychiatrist", and
25 "qualified examiner" shall have the same meaning as provided in
26 Chapter I ± of the Mental Health and Developmental Disabilities

1 Code.

2 (c-10) (1) An applicant, who is denied, revoked, or has his
3 or her Firearm Owner's Identification Card seized under
4 subsection (e) of Section 8 of this Act based upon a
5 determination of a developmental disability or an intellectual
6 disability may apply to the Director of State Police requesting
7 relief.

8 (2) The Director shall act on the request for relief within
9 60 business days of receipt of written certification, in the
10 form prescribed by the Director, from a physician or clinical
11 psychologist, or qualified examiner, that the aggrieved
12 party's developmental disability or intellectual disability
13 condition is determined by a physician, clinical psychologist,
14 or qualified to be mild. If a fact-finding conference is
15 scheduled to obtain additional information concerning the
16 circumstances of the denial or revocation, the 60 business days
17 the Director has to act shall be tolled until the completion of
18 the fact-finding conference.

19 (3) The Director may grant relief if the aggrieved party's
20 developmental disability or intellectual disability is mild as
21 determined by a physician, clinical psychologist, or qualified
22 examiner and it is established by the applicant to the
23 Director's satisfaction that:

24 (A) granting relief would not be contrary to the public
25 interest; and

26 (B) granting relief would not be contrary to federal

1 law.

2 (4) The Director may not grant relief if the condition is
3 determined by a physician, clinical psychologist, or qualified
4 examiner to be moderate, severe, or profound.

5 (5) The changes made to this Section by this amendatory Act
6 of the 99th General Assembly apply to requests for relief
7 pending on or before the effective date of this amendatory Act,
8 except that the 60-day period for the Director to act on
9 requests pending before the effective date shall begin on the
10 effective date of this amendatory Act.

11 (d) When a minor is adjudicated delinquent for an offense
12 which if committed by an adult would be a felony, the court
13 shall notify the Department of State Police.

14 (e) The court shall review the denial of an application or
15 the revocation of a Firearm Owner's Identification Card of a
16 person who has been adjudicated delinquent for an offense that
17 if committed by an adult would be a felony if an application
18 for relief has been filed at least 10 years after the
19 adjudication of delinquency and the court determines that the
20 applicant should be granted relief from disability to obtain a
21 Firearm Owner's Identification Card. If the court grants
22 relief, the court shall notify the Department of State Police
23 that the disability has been removed and that the applicant is
24 eligible to obtain a Firearm Owner's Identification Card.

25 (f) Any person who is subject to the disabilities of 18
26 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act

1 of 1968 because of an adjudication or commitment that occurred
2 under the laws of this State or who was determined to be
3 subject to the provisions of subsections (e), (f), or (g) of
4 Section 8 of this Act may apply to the Department of State
5 Police requesting relief from that prohibition. The Director
6 shall grant the relief if it is established by a preponderance
7 of the evidence that the person will not be likely to act in a
8 manner dangerous to public safety and that granting relief
9 would not be contrary to the public interest. In making this
10 determination, the Director shall receive evidence concerning
11 (i) the circumstances regarding the firearms disabilities from
12 which relief is sought; (ii) the petitioner's mental health and
13 criminal history records, if any; (iii) the petitioner's
14 reputation, developed at a minimum through character witness
15 statements, testimony, or other character evidence; and (iv)
16 changes in the petitioner's condition or circumstances since
17 the disqualifying events relevant to the relief sought. If
18 relief is granted under this subsection or by order of a court
19 under this Section, the Director shall as soon as practicable
20 but in no case later than 15 business days, update, correct,
21 modify, or remove the person's record in any database that the
22 Department of State Police makes available to the National
23 Instant Criminal Background Check System and notify the United
24 States Attorney General that the basis for the record being
25 made available no longer applies. The Department of State
26 Police shall adopt rules for the administration of this

1 Section.

2 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13;
3 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13; revised 12-10-14.)

4 Section 15. The Firearm Concealed Carry Act is amended by
5 changing Sections 10, 30, 55, and 65 as follows:

6 (430 ILCS 66/10)

7 Sec. 10. Issuance of licenses to carry a concealed firearm.

8 (a) The Department shall issue a license to carry a
9 concealed firearm under this Act to an applicant who:

10 (1) meets the qualifications of Section 25 of this Act;

11 (2) has provided the application and documentation
12 required in Section 30 of this Act;

13 (3) has submitted the requisite fees; and

14 (4) does not pose a danger to himself, herself, or
15 others, or a threat to public safety as determined by the
16 Concealed Carry Licensing Review Board in accordance with
17 Section 20.

18 (b) The Department shall issue a renewal, corrected, or
19 duplicate license as provided in this Act.

20 (c) A license shall be valid throughout the State for a
21 period of 5 years from the date of issuance. A license shall
22 permit the licensee to:

23 (1) carry a loaded or unloaded concealed firearm, fully
24 concealed or partially concealed, on or about his or her

1 person; and

2 (2) keep or carry a loaded or unloaded concealed
3 firearm on or about his or her person within a vehicle.

4 (d) The Department shall make applications for a license
5 available no later than 180 days after the effective date of
6 this Act. The Department shall establish rules for the
7 availability and submission of applications in accordance with
8 this Act.

9 (e) An application for a license submitted to the
10 Department that contains all the information and materials
11 required by this Act, including the requisite fee, shall be
12 deemed completed. Except as otherwise provided in this Act, no
13 later than 90 days after receipt of a completed application,
14 the Department shall issue or deny the applicant a license.

15 (f) The Department shall deny the applicant a license if
16 the applicant fails to meet the requirements under this Act or
17 the Department receives a determination from the Board that the
18 applicant is ineligible for a license. The Department must
19 notify the applicant stating the grounds for the denial. The
20 notice of denial must inform the applicant of his or her right
21 to an appeal through administrative and judicial review.

22 (g) A licensee shall possess a license at all times the
23 licensee carries a concealed firearm except:

24 (1) when the licensee is carrying or possessing a
25 concealed firearm on his or her land or in his or her
26 abode, legal dwelling, or fixed place of business, or on

1 the land or in the legal dwelling of another person as an
2 invitee with that person's permission;

3 (2) when the person is authorized to carry a firearm
4 under Section 24-2 of the Criminal Code of 2012, except
5 subsection (a-5) of that Section; or

6 (3) when the handgun is broken down in a
7 non-functioning state, is not immediately accessible, or
8 is unloaded and enclosed in a case.

9 (h) If an officer of a law enforcement agency initiates an
10 investigative stop, including but not limited to a traffic
11 stop, of a licensee or a non-resident carrying a concealed
12 firearm under subsection (e) of Section 40 of this Act, upon
13 the request of the officer the licensee or non-resident shall
14 disclose to the officer that he or she is in possession of a
15 concealed firearm under this Act, or present the license upon
16 the request of the officer if he or she is a licensee or
17 present upon the request of the officer evidence under
18 paragraph (2) of subsection (e) of Section 40 of this Act that
19 he or she is a non-resident qualified to carry under that
20 subsection. The disclosure requirement under this subsection
21 (h) is satisfied if the licensee presents his or her license to
22 the officer or the non-resident presents to the officer
23 evidence under paragraph (2) of subsection (e) of Section 40 of
24 this Act that he or she is qualified to carry under that
25 subsection. Upon the request of the officer, the licensee or
26 non-resident shall also ~~and~~ identify the location of the

1 concealed firearm and permit the officer to safely secure the
2 firearm for the duration of the investigative stop. During a
3 traffic stop, any passenger within the vehicle who is a
4 licensee or a non-resident carrying under subsection (e) of
5 Section 40 of this Act must comply with the requirements of
6 this subsection (h).

7 (h-1) If a licensee carrying a firearm or a non-resident
8 carrying a firearm in a vehicle under subsection (e) of Section
9 40 of this Act is contacted by a law enforcement officer or
10 emergency services personnel, the law enforcement officer or
11 emergency services personnel may secure the firearm or direct
12 that it be secured during the duration of the contact if the
13 law enforcement officer or emergency services personnel
14 determines that it is necessary for the safety of any person
15 present, including the law enforcement officer or emergency
16 services personnel. The licensee or nonresident shall submit to
17 the order to secure the firearm. When the law enforcement
18 officer or emergency services personnel have determined that
19 the licensee or non-resident is not a threat to the safety of
20 any person present, including the law enforcement officer or
21 emergency services personnel, and if the licensee or
22 non-resident is physically and mentally capable of possessing
23 the firearm, the law enforcement officer or emergency services
24 personnel shall return the firearm to the licensee or
25 non-resident before releasing him or her from the scene and
26 breaking contact. If the licensee or non-resident is

1 transported for treatment to another location, the firearm
2 shall be turned over to any peace officer. The peace officer
3 shall provide a receipt which includes the make, model,
4 caliber, and serial number of the firearm.

5 (i) The Department shall maintain a database of license
6 applicants and licensees. The database shall be available to
7 all federal, State, and local law enforcement agencies, State's
8 Attorneys, the Attorney General, and authorized court
9 personnel. Within 180 days after the effective date of this
10 Act, the database shall be searchable and provide all
11 information included in the application, including the
12 applicant's previous addresses within the 10 years prior to the
13 license application and any information related to violations
14 of this Act. No law enforcement agency, State's Attorney,
15 Attorney General, or member or staff of the judiciary shall
16 provide any information to a requester who is not entitled to
17 it by law.

18 (j) No later than 10 days after receipt of a completed
19 application, the Department shall enter the relevant
20 information about the applicant into the database under
21 subsection (i) of this Section which is accessible by law
22 enforcement agencies.

23 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

24 (430 ILCS 66/30)

25 Sec. 30. Contents of license application.

1 (a) The license application shall be in writing, under
2 penalty of perjury, on a standard form adopted by the
3 Department and shall be accompanied by the documentation
4 required in this Section and the applicable fee. Each
5 application form shall include the following statement printed
6 in bold type: "Warning: Entering false information on this form
7 is punishable as perjury under Section 32-2 of the Criminal
8 Code of 2012."

9 (b) The application shall contain the following:

10 (1) the applicant's name, current address, date and
11 year of birth, place of birth, height, weight, hair color,
12 eye color, maiden name or any other name the applicant has
13 used or identified with, and any address where the
14 applicant resided for more than 30 days within the 10 years
15 preceding the date of the license application;

16 (2) the applicant's valid driver's license number or
17 valid state identification card number;

18 (3) a waiver of the applicant's privacy and
19 confidentiality rights and privileges under all federal
20 and state laws, including those limiting access to juvenile
21 court, criminal justice, psychological, or psychiatric
22 records or records relating to any institutionalization of
23 the applicant, and an affirmative request that a person
24 having custody of any of these records provide it or
25 information concerning it to the Department. The waiver
26 only applies to records sought in connection with

1 determining whether the applicant qualifies for a license
2 to carry a concealed firearm under this Act, or whether the
3 applicant remains in compliance with the Firearm Owners
4 Identification Card Act;

5 (4) an affirmation that the applicant possesses a
6 currently valid Firearm Owner's Identification Card and
7 card number if possessed or notice the applicant is
8 applying for a Firearm Owner's Identification Card in
9 conjunction with the license application;

10 (5) an affirmation that the applicant has not been
11 convicted or found guilty of:

12 (A) a felony;

13 (B) a misdemeanor involving the use or threat of
14 physical force or violence to any person within the 5
15 years preceding the date of the application; or

16 (C) 2 or more violations related to driving while
17 under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any combination
19 thereof, within the 5 years preceding the date of the
20 license application; and

21 (6) whether the applicant has failed a drug test for a
22 drug for which the applicant did not have a prescription,
23 within the previous year, and if so, the provider of the
24 test, the specific substance involved, and the date of the
25 test;

26 (7) written consent for the Department to review and

1 use the applicant's Illinois digital driver's license or
2 Illinois identification card photograph and signature;

3 (8) a full set of fingerprints submitted to the
4 Department in electronic format, provided the Department
5 may accept an application submitted without a set of
6 fingerprints in which case the Department shall be granted
7 30 days in addition to the 90 days provided under
8 subsection (e) of Section 10 of this Act to issue or deny a
9 license;

10 (9) a head and shoulder color photograph in a size
11 specified by the Department taken within the 30 days
12 preceding the date of the license application; and

13 (10) a photocopy of any certificates or other evidence
14 of compliance with the training requirements under this
15 Act.

16 (Source: P.A. 98-63, eff. 7-9-13.)

17 (430 ILCS 66/55)

18 Sec. 55. Change of address or name; lost, destroyed, or
19 stolen licenses.

20 (a) A licensee shall notify the Department within 30 days
21 of moving or changing residence or any change of name. The
22 licensee shall submit the requisite fee and the Department may
23 require a notarized statement that the licensee has changed his
24 or her residence or his or her name, including the prior and
25 current address or name and the date the applicant moved or

1 changed his or her name.+

2 ~~(1) a notarized statement that the licensee has changed~~
3 ~~his or her residence or his or her name, including the~~
4 ~~prior and current address or name and the date the~~
5 ~~applicant moved or changed his or her name; and~~

6 ~~(2) the requisite fee.~~

7 (b) A licensee shall notify the Department within 10 days
8 of discovering that a license has been lost, destroyed, or
9 stolen. A lost, destroyed, or stolen license is invalid. To
10 request a replacement license, the licensee shall submit:

11 (1) a notarized statement that the licensee no longer
12 possesses the license, and that it was lost, destroyed, or
13 stolen;

14 (2) if applicable, a copy of a police report stating
15 that the license was stolen; and

16 (3) the requisite fee.

17 (c) A violation of this Section is a petty offense with a
18 fine of \$150 which shall be deposited into the Mental Health
19 Reporting Fund.

20 (Source: P.A. 98-63, eff. 7-9-13.)

21 (430 ILCS 66/65)

22 Sec. 65. Prohibited areas.

23 (a) A licensee under this Act shall not knowingly carry a
24 firearm on or into:

25 (1) Any building, real property, and parking area under

1 the control of a public or private elementary or secondary
2 school.

3 (2) Any building, real property, and parking area under
4 the control of a pre-school or child care facility,
5 including any room or portion of a building under the
6 control of a pre-school or child care facility. Nothing in
7 this paragraph shall prevent the operator of a child care
8 facility in a family home from owning or possessing a
9 firearm in the home or license under this Act, if no child
10 under child care at the home is present in the home or the
11 firearm in the home is stored in a locked container when a
12 child under child care at the home is present in the home.

13 (3) Any building, parking area, or portion of a
14 building under the control of an officer of the executive
15 or legislative branch of government, provided that nothing
16 in this paragraph shall prohibit a licensee from carrying a
17 concealed firearm onto the real property, bikeway, or trail
18 in a park regulated by the Department of Natural Resources
19 or any other designated public hunting area or building
20 where firearm possession is permitted as established by the
21 Department of Natural Resources under Section 1.8 of the
22 Wildlife Code.

23 (4) Any building designated for matters before a
24 circuit court, appellate court, or the Supreme Court, or
25 any building or portion of a building under the control of
26 the Supreme Court.

1 (5) Any building or portion of a building under the
2 control of a unit of local government.

3 (6) Any building, real property, and parking area under
4 the control of an adult or juvenile detention or
5 correctional institution, prison, or jail.

6 (7) Any building, real property, and parking area under
7 the control of a public or private hospital or hospital
8 affiliate, mental health facility, or nursing home.

9 (8) Any bus, train, or form of transportation paid for
10 in whole or in part with public funds, and any building,
11 real property, and parking area under the control of a
12 public transportation facility paid for in whole or in part
13 with public funds.

14 (9) Any building, real property, and parking area under
15 the control of an establishment that serves alcohol on its
16 premises, if more than 50% of the establishment's gross
17 receipts within the prior 3 months is from the sale of
18 alcohol. The owner of an establishment who knowingly fails
19 to prohibit concealed firearms on its premises as provided
20 in this paragraph or who knowingly makes a false statement
21 or record to avoid the prohibition on concealed firearms
22 under this paragraph is subject to the penalty under
23 subsection (c-5) of Section 10-1 of the Liquor Control Act
24 of 1934.

25 (10) Any public gathering or special event conducted on
26 property open to the public that requires the issuance of a

1 permit from the unit of local government, provided this
2 prohibition shall not apply to a licensee who must walk
3 through a public gathering in order to access his or her
4 residence, place of business, or vehicle.

5 (11) Any building or real property that has been issued
6 a Special Event Retailer's license as defined in Section
7 1-3.17.1 of the Liquor Control Act during the time
8 designated for the sale of alcohol by the Special Event
9 Retailer's license, or a Special use permit license as
10 defined in subsection (q) of Section 5-1 of the Liquor
11 Control Act during the time designated for the sale of
12 alcohol by the Special use permit license.

13 (12) Any public playground.

14 (13) Any public park, athletic area, or athletic
15 facility under the control of a municipality or park
16 district, provided nothing in this Section shall prohibit a
17 licensee from carrying a concealed firearm while on a trail
18 or bikeway if only a portion of the trail or bikeway
19 includes a public park.

20 (14) Any real property under the control of the Cook
21 County Forest Preserve District.

22 (15) Any building, classroom, laboratory, medical
23 clinic, hospital, artistic venue, athletic venue,
24 entertainment venue, officially recognized
25 university-related organization property, whether owned or
26 leased, and any real property, including parking areas,

1 sidewalks, and common areas under the control of a public
2 or private community college, college, or university.

3 (16) Any building, real property, or parking area under
4 the control of a gaming facility licensed under the
5 Riverboat Gambling Act or the Illinois Horse Racing Act of
6 1975, including an inter-track wagering location licensee.

7 (17) Any stadium, arena, or the real property or
8 parking area under the control of a stadium, arena, or any
9 collegiate or professional sporting event.

10 (18) Any building, real property, or parking area under
11 the control of a public library.

12 (19) Any building, real property, or parking area under
13 the control of an airport.

14 (20) Any building, real property, or parking area under
15 the control of an amusement park.

16 (21) Any building, real property, or parking area under
17 the control of a zoo or museum.

18 (22) Any street, driveway, parking area, property,
19 building, or facility, owned, leased, controlled, or used
20 by a nuclear energy, storage, weapons, or development site
21 or facility regulated by the federal Nuclear Regulatory
22 Commission. The licensee shall not under any circumstance
23 store a firearm or ammunition in his or her vehicle or in a
24 compartment or container within a vehicle located anywhere
25 in or on the street, driveway, parking area, property,
26 building, or facility described in this paragraph.

1 (23) Any area where firearms are prohibited under
2 federal law.

3 (a-5) Nothing in this Act shall prohibit a public or
4 private community college, college, or university from:

5 (1) prohibiting persons from carrying a firearm within
6 a vehicle owned, leased, or controlled by the college or
7 university;

8 (2) developing resolutions, regulations, or policies
9 regarding student, employee, or visitor misconduct and
10 discipline, including suspension and expulsion;

11 (3) developing resolutions, regulations, or policies
12 regarding the storage or maintenance of firearms, which
13 must include designated areas where persons can park
14 vehicles that carry firearms; and

15 (4) permitting the carrying or use of firearms for the
16 purpose of instruction and curriculum of officially
17 recognized programs, including but not limited to military
18 science and law enforcement training programs, or in any
19 designated area used for hunting purposes or target
20 shooting.

21 (a-10) The owner of private real property of any type may
22 prohibit the carrying of concealed firearms on the property
23 under his or her control. The owner must post a sign in
24 accordance with subsection (d) of this Section indicating that
25 firearms are prohibited on the property, unless the property is
26 a private residence.

1 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
2 this Section except under paragraph (22) or (23) of subsection
3 (a), any licensee prohibited from carrying a concealed firearm
4 into the parking area of a prohibited location specified in
5 subsection (a), (a-5), or (a-10) of this Section shall be
6 permitted to carry a concealed firearm on or about his or her
7 person within a vehicle into the parking area and may store a
8 firearm or ammunition concealed in a case within a locked
9 vehicle or locked container out of plain view within the
10 vehicle in the parking area. A licensee may carry a concealed
11 firearm in the immediate area surrounding his or her vehicle
12 within a prohibited parking lot area only for the limited
13 purpose of storing or retrieving a firearm within the vehicle's
14 trunk, ~~provided the licensee ensures the concealed firearm is~~
15 ~~unloaded prior to exiting the vehicle.~~ For purposes of this
16 subsection, "case" includes a glove compartment or console that
17 completely encloses the concealed firearm or ammunition, the
18 trunk of the vehicle, or a firearm carrying box, shipping box,
19 or other container.

20 (c) A licensee shall not be in violation of this Section
21 while he or she is traveling along a public right of way that
22 touches or crosses any of the premises under subsection (a),
23 (a-5), or (a-10) of this Section if the concealed firearm is
24 carried on his or her person in accordance with the provisions
25 of this Act or is being transported in a vehicle by the
26 licensee in accordance with all other applicable provisions of

1 law.

2 (d) Signs stating that the carrying of firearms is
3 prohibited shall be clearly and conspicuously posted at the
4 entrance of a building, premises, or real property specified in
5 this Section as a prohibited area, unless the building or
6 premises is a private residence. Signs shall be of a uniform
7 design as established by the Department and shall be 4 inches
8 by 6 inches in size. The Department shall adopt rules for
9 standardized signs to be used under this subsection.

10 (Source: P.A. 98-63, eff. 7-9-13.)

11 Section 20. The Criminal Code of 2012 is amended by
12 changing Sections 24-1 and 24-3 as follows:

13 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

14 Sec. 24-1. Unlawful Use of Weapons.

15 (a) A person commits the offense of unlawful use of weapons
16 when he knowingly:

17 (1) Sells, manufactures, purchases, possesses or
18 carries any bludgeon, black-jack, slung-shot, sand-club,
19 sand-bag, metal knuckles or other knuckle weapon
20 regardless of its composition, throwing star, or any knife,
21 commonly referred to as a switchblade knife, which has a
22 blade that opens automatically by hand pressure applied to
23 a button, spring or other device in the handle of the
24 knife, or a ballistic knife, which is a device that propels

1 a knifelike blade as a projectile by means of a coil
2 spring, elastic material or compressed gas; or

3 (2) Carries or possesses with intent to use the same
4 unlawfully against another, a dagger, dirk, billy,
5 dangerous knife, razor, stiletto, broken bottle or other
6 piece of glass, stun gun or taser or any other dangerous or
7 deadly weapon or instrument of like character; or

8 (3) Carries on or about his person or in any vehicle, a
9 tear gas gun projector or bomb or any object containing
10 noxious liquid gas or substance, other than an object
11 containing a non-lethal noxious liquid gas or substance
12 designed solely for personal defense carried by a person 18
13 years of age or older; or

14 (4) Carries or possesses in any vehicle or concealed on
15 or about his person except when on his land or in his own
16 abode, legal dwelling, or fixed place of business, or on
17 the land or in the legal dwelling of another person as an
18 invitee with that person's permission, any pistol,
19 revolver, stun gun or taser or other firearm, except that
20 this subsection (a) (4) does not apply to or affect
21 transportation of weapons that meet one of the following
22 conditions:

23 (i) are broken down in a non-functioning state; or

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm
26 carrying box, shipping box, or other container by a

1 person who has been issued a currently valid Firearm
2 Owner's Identification Card; or

3 (iv) are carried or possessed in accordance with
4 the Firearm Concealed Carry Act by a person who has
5 been issued a currently valid license under the Firearm
6 Concealed Carry Act; or

7 (5) Sets a spring gun; or

8 (6) Possesses any device or attachment of any kind
9 designed, used or intended for use in silencing the report
10 of any firearm; or

11 (7) Sells, manufactures, purchases, possesses or
12 carries:

13 (i) a machine gun, which shall be defined for the
14 purposes of this subsection as any weapon, which
15 shoots, is designed to shoot, or can be readily
16 restored to shoot, automatically more than one shot
17 without manually reloading by a single function of the
18 trigger, including the frame or receiver of any such
19 weapon, or sells, manufactures, purchases, possesses,
20 or carries any combination of parts designed or
21 intended for use in converting any weapon into a
22 machine gun, or any combination or parts from which a
23 machine gun can be assembled if such parts are in the
24 possession or under the control of a person;

25 (ii) any rifle having one or more barrels less than
26 16 inches in length or a shotgun having one or more

1 barrels less than 18 inches in length or any weapon
2 made from a rifle or shotgun, whether by alteration,
3 modification, or otherwise, if such a weapon as
4 modified has an overall length of less than 26 inches;
5 or

6 (iii) any bomb, bomb-shell, grenade, bottle or
7 other container containing an explosive substance of
8 over one-quarter ounce for like purposes, such as, but
9 not limited to, black powder bombs and Molotov
10 cocktails or artillery projectiles; or

11 (8) Carries or possesses any firearm, stun gun or taser
12 or other deadly weapon in any place which is licensed to
13 sell intoxicating beverages, or at any public gathering
14 held pursuant to a license issued by any governmental body
15 or any public gathering at which an admission is charged,
16 excluding a place where a showing, demonstration or lecture
17 involving the exhibition of unloaded firearms is
18 conducted.

19 This subsection (a) (8) does not apply to any auction or
20 raffle of a firearm held pursuant to a license or permit
21 issued by a governmental body, nor does it apply to persons
22 engaged in firearm safety training courses; or

23 (9) Carries or possesses in a vehicle or on or about
24 his person any pistol, revolver, stun gun or taser or
25 firearm or ballistic knife, when he is hooded, robed or
26 masked in such manner as to conceal his identity; or

1 (10) Carries or possesses on or about his person, upon
2 any public street, alley, or other public lands within the
3 corporate limits of a city, village or incorporated town,
4 except when an invitee thereon or therein, for the purpose
5 of the display of such weapon or the lawful commerce in
6 weapons, or except when on his land or in his own abode,
7 legal dwelling, or fixed place of business, or on the land
8 or in the legal dwelling of another person as an invitee
9 with that person's permission, any pistol, revolver, stun
10 gun or taser or other firearm, except that this subsection
11 (a) (10) does not apply to or affect transportation of
12 weapons that meet one of the following conditions:

13 (i) are broken down in a non-functioning state; or

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container by a
17 person who has been issued a currently valid Firearm
18 Owner's Identification Card; or -

19 (iv) are carried or possessed in accordance with
20 the Firearm Concealed Carry Act by a person who has
21 been issued a currently valid license under the Firearm
22 Concealed Carry Act.

23 A "stun gun or taser", as used in this paragraph (a)
24 means (i) any device which is powered by electrical
25 charging units, such as, batteries, and which fires one or
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning or (ii) any
4 device which is powered by electrical charging units, such
5 as batteries, and which, upon contact with a human or
6 clothing worn by a human, can send out current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning; or

9 (11) Sells, manufactures or purchases any explosive
10 bullet. For purposes of this paragraph (a) "explosive
11 bullet" means the projectile portion of an ammunition
12 cartridge which contains or carries an explosive charge
13 which will explode upon contact with the flesh of a human
14 or an animal. "Cartridge" means a tubular metal case having
15 a projectile affixed at the front thereof and a cap or
16 primer at the rear end thereof, with the propellant
17 contained in such tube between the projectile and the cap;
18 or

19 (12) (Blank); or

20 (13) Carries or possesses on or about his or her person
21 while in a building occupied by a unit of government, a
22 billy club, other weapon of like character, or other
23 instrument of like character intended for use as a weapon.
24 For the purposes of this Section, "billy club" means a
25 short stick or club commonly carried by police officers
26 which is either telescopic or constructed of a solid piece

1 of wood or other man-made material.

2 (b) Sentence. A person convicted of a violation of
3 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
4 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
5 Class A misdemeanor. A person convicted of a violation of
6 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
7 person convicted of a violation of subsection 24-1(a)(6) or
8 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
9 convicted of a violation of subsection 24-1(a)(7)(i) commits a
10 Class 2 felony and shall be sentenced to a term of imprisonment
11 of not less than 3 years and not more than 7 years, unless the
12 weapon is possessed in the passenger compartment of a motor
13 vehicle as defined in Section 1-146 of the Illinois Vehicle
14 Code, or on the person, while the weapon is loaded, in which
15 case it shall be a Class X felony. A person convicted of a
16 second or subsequent violation of subsection 24-1(a)(4),
17 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
18 felony. The possession of each weapon in violation of this
19 Section constitutes a single and separate violation.

20 (c) Violations in specific places.

21 (1) A person who violates subsection 24-1(a)(6) or
22 24-1(a)(7) in any school, regardless of the time of day or
23 the time of year, in residential property owned, operated
24 or managed by a public housing agency or leased by a public
25 housing agency as part of a scattered site or mixed-income
26 development, in a public park, in a courthouse, on the real

1 property comprising any school, regardless of the time of
2 day or the time of year, on residential property owned,
3 operated or managed by a public housing agency or leased by
4 a public housing agency as part of a scattered site or
5 mixed-income development, on the real property comprising
6 any public park, on the real property comprising any
7 courthouse, in any conveyance owned, leased or contracted
8 by a school to transport students to or from school or a
9 school related activity, in any conveyance owned, leased,
10 or contracted by a public transportation agency, or on any
11 public way within 1,000 feet of the real property
12 comprising any school, public park, courthouse, public
13 transportation facility, or residential property owned,
14 operated, or managed by a public housing agency or leased
15 by a public housing agency as part of a scattered site or
16 mixed-income development commits a Class 2 felony and shall
17 be sentenced to a term of imprisonment of not less than 3
18 years and not more than 7 years.

19 (1.5) A person who violates subsection 24-1(a)(4),
20 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
21 time of day or the time of year, in residential property
22 owned, operated, or managed by a public housing agency or
23 leased by a public housing agency as part of a scattered
24 site or mixed-income development, in a public park, in a
25 courthouse, on the real property comprising any school,
26 regardless of the time of day or the time of year, on

1 residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development, on
4 the real property comprising any public park, on the real
5 property comprising any courthouse, in any conveyance
6 owned, leased, or contracted by a school to transport
7 students to or from school or a school related activity, in
8 any conveyance owned, leased, or contracted by a public
9 transportation agency, or on any public way within 1,000
10 feet of the real property comprising any school, public
11 park, courthouse, public transportation facility, or
12 residential property owned, operated, or managed by a
13 public housing agency or leased by a public housing agency
14 as part of a scattered site or mixed-income development
15 commits a Class 3 felony.

16 (2) A person who violates subsection 24-1(a)(1),
17 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
18 time of day or the time of year, in residential property
19 owned, operated or managed by a public housing agency or
20 leased by a public housing agency as part of a scattered
21 site or mixed-income development, in a public park, in a
22 courthouse, on the real property comprising any school,
23 regardless of the time of day or the time of year, on
24 residential property owned, operated or managed by a public
25 housing agency or leased by a public housing agency as part
26 of a scattered site or mixed-income development, on the

1 real property comprising any public park, on the real
2 property comprising any courthouse, in any conveyance
3 owned, leased or contracted by a school to transport
4 students to or from school or a school related activity, in
5 any conveyance owned, leased, or contracted by a public
6 transportation agency, or on any public way within 1,000
7 feet of the real property comprising any school, public
8 park, courthouse, public transportation facility, or
9 residential property owned, operated, or managed by a
10 public housing agency or leased by a public housing agency
11 as part of a scattered site or mixed-income development
12 commits a Class 4 felony. "Courthouse" means any building
13 that is used by the Circuit, Appellate, or Supreme Court of
14 this State for the conduct of official business.

15 (3) Paragraphs (1), (1.5), and (2) of this subsection
16 (c) shall not apply to law enforcement officers or security
17 officers of such school, college, or university or to
18 students carrying or possessing firearms for use in
19 training courses, parades, hunting, target shooting on
20 school ranges, or otherwise with the consent of school
21 authorities and which firearms are transported unloaded
22 enclosed in a suitable case, box, or transportation
23 package.

24 (4) For the purposes of this subsection (c), "school"
25 means any public or private elementary or secondary school,
26 community college, college, or university.

1 (5) For the purposes of this subsection (c), "public
2 transportation agency" means a public or private agency
3 that provides for the transportation or conveyance of
4 persons by means available to the general public, except
5 for transportation by automobiles not used for conveyance
6 of the general public as passengers; and "public
7 transportation facility" means a terminal or other place
8 where one may obtain public transportation.

9 (d) The presence in an automobile other than a public
10 omnibus of any weapon, instrument or substance referred to in
11 subsection (a)(7) is prima facie evidence that it is in the
12 possession of, and is being carried by, all persons occupying
13 such automobile at the time such weapon, instrument or
14 substance is found, except under the following circumstances:
15 (i) if such weapon, instrument or instrumentality is found upon
16 the person of one of the occupants therein; or (ii) if such
17 weapon, instrument or substance is found in an automobile
18 operated for hire by a duly licensed driver in the due, lawful
19 and proper pursuit of his trade, then such presumption shall
20 not apply to the driver.

21 (e) Exemptions. Crossbows, Common or Compound bows and
22 Underwater Spearguns are exempted from the definition of
23 ballistic knife as defined in paragraph (1) of subsection (a)
24 of this Section.

25 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
26 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;

1 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

2 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

3 Sec. 24-3. Unlawful sale or delivery of firearms.

4 (A) A person commits the offense of unlawful sale or
5 delivery of firearms when he or she knowingly does any of the
6 following:

7 (a) Sells or gives any firearm of a size which may be
8 concealed upon the person to any person under 18 years of
9 age.

10 (b) Sells or gives any firearm to a person under 21
11 years of age who has been convicted of a misdemeanor other
12 than a traffic offense or adjudged delinquent.

13 (c) Sells or gives any firearm to any narcotic addict.

14 (d) Sells or gives any firearm to any person who has
15 been convicted of a felony under the laws of this or any
16 other jurisdiction.

17 (e) Sells or gives any firearm to any person who has
18 been a patient in a mental institution within the past 5
19 years. In this subsection (e):

20 "Mental institution" means any hospital,
21 institution, clinic, evaluation facility, mental
22 health center, or part thereof, which is used primarily
23 for the care or treatment of persons with mental
24 illness.

25 "Patient in a mental institution" means the person

1 was admitted, either voluntarily or involuntarily, to
2 a mental institution for mental health treatment,
3 unless the treatment was voluntary and solely for an
4 alcohol abuse disorder and no other secondary
5 substance abuse disorder or mental illness.

6 (f) Sells or gives any firearms to any person who is
7 intellectually disabled.

8 (g) Delivers any firearm of a size which may be
9 concealed upon the person, incidental to a sale, without
10 withholding delivery of such firearm for at least 72 hours
11 after application for its purchase has been made, or
12 delivers any rifle, shotgun or other long gun, or a stun
13 gun or taser, incidental to a sale, without withholding
14 delivery of such rifle, shotgun or other long gun, or a
15 stun gun or taser for at least 24 hours after application
16 for its purchase has been made. However, this paragraph (g)
17 does not apply to: (1) the sale of a firearm to a law
18 enforcement officer if the seller of the firearm knows that
19 the person to whom he or she is selling the firearm is a
20 law enforcement officer or the sale of a firearm to a
21 person who desires to purchase a firearm for use in
22 promoting the public interest incident to his or her
23 employment as a bank guard, armed truck guard, or other
24 similar employment; (2) a mail order sale of a firearm from
25 a federally licensed firearms dealer to a nonresident of
26 Illinois under which the firearm is mailed to a federally

1 licensed firearms dealer ~~point~~ outside the boundaries of
2 Illinois; (3) the sale of a firearm to a nonresident of
3 Illinois while at a firearm showing or display recognized
4 by the Illinois Department of State Police; ~~or~~ (4) the sale
5 of a firearm to a dealer licensed as a federal firearms
6 dealer under Section 923 of the federal Gun Control Act of
7 1968 (18 U.S.C. 923); or (5) the transfer or sale of any
8 rifle, shotgun, or other long gun to a resident registered
9 competitor or attendee or non-resident registered
10 competitor or attendee by any dealer licensed as a federal
11 firearms dealer under Section 923 of the federal Gun
12 Control Act of 1968 at competitive shooting events held at
13 the World Shooting Complex sanctioned by a national
14 governing body. For purposes of transfers or sales under
15 subparagraph (5) of this paragraph (g), the Department of
16 Natural Resources shall give notice to the Department of
17 State Police at least 30 calendar days prior to any
18 competitive shooting events at the World Shooting Complex
19 sanctioned by a national governing body. The notification
20 shall be made on a form prescribed by the Department of
21 State Police. The sanctioning body shall provide a list of
22 all registered competitors and attendees at least 24 hours
23 before the events to the Department of State Police. Any
24 changes to the list of registered competitors and attendees
25 shall be forwarded to the Department of State Police as
26 soon as practicable. The Department of State Police must

1 destroy the list of registered competitors and attendees no
2 later than 30 days after the date of the event. Nothing in
3 this paragraph (g) relieves a federally licensed firearm
4 dealer from the requirements of conducting a NICS
5 background check through the Illinois Point of Contact
6 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
7 "application" means when the buyer and seller reach an
8 agreement to purchase a firearm. For purposes of this
9 paragraph (g), "national governing body" means a group of
10 persons who adopt rules and formulate policy on behalf of a
11 national firearm sporting organization.

12 (h) While holding any license as a dealer, importer,
13 manufacturer or pawnbroker under the federal Gun Control
14 Act of 1968, manufactures, sells or delivers to any
15 unlicensed person a handgun having a barrel, slide, frame
16 or receiver which is a die casting of zinc alloy or any
17 other nonhomogeneous metal which will melt or deform at a
18 temperature of less than 800 degrees Fahrenheit. For
19 purposes of this paragraph, (1) "firearm" is defined as in
20 the Firearm Owners Identification Card Act; and (2)
21 "handgun" is defined as a firearm designed to be held and
22 fired by the use of a single hand, and includes a
23 combination of parts from which such a firearm can be
24 assembled.

25 (i) Sells or gives a firearm of any size to any person
26 under 18 years of age who does not possess a valid Firearm

1 Owner's Identification Card.

2 (j) Sells or gives a firearm while engaged in the
3 business of selling firearms at wholesale or retail without
4 being licensed as a federal firearms dealer under Section
5 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
6 In this paragraph (j):

7 A person "engaged in the business" means a person who
8 devotes time, attention, and labor to engaging in the
9 activity as a regular course of trade or business with the
10 principal objective of livelihood and profit, but does not
11 include a person who makes occasional repairs of firearms
12 or who occasionally fits special barrels, stocks, or
13 trigger mechanisms to firearms.

14 "With the principal objective of livelihood and
15 profit" means that the intent underlying the sale or
16 disposition of firearms is predominantly one of obtaining
17 livelihood and pecuniary gain, as opposed to other intents,
18 such as improving or liquidating a personal firearms
19 collection; however, proof of profit shall not be required
20 as to a person who engages in the regular and repetitive
21 purchase and disposition of firearms for criminal purposes
22 or terrorism.

23 (k) Sells or transfers ownership of a firearm to a
24 person who does not display to the seller or transferor of
25 the firearm either: (1) a currently valid Firearm Owner's
26 Identification Card that has previously been issued in the

1 transferee's name by the Department of State Police under
2 the provisions of the Firearm Owners Identification Card
3 Act; or (2) a currently valid license to carry a concealed
4 firearm that has previously been issued in the transferee's
5 name by the Department of State Police under the Firearm
6 Concealed Carry Act. This paragraph (k) does not apply to
7 the transfer of a firearm to a person who is exempt from
8 the requirement of possessing a Firearm Owner's
9 Identification Card under Section 2 of the Firearm Owners
10 Identification Card Act. For the purposes of this Section,
11 a currently valid Firearm Owner's Identification Card
12 means (i) a Firearm Owner's Identification Card that has
13 not expired or (ii) an approval number issued in accordance
14 with subsection (a-10) of subsection 3 or Section 3.1 of
15 the Firearm Owners Identification Card Act shall be proof
16 that the Firearm Owner's Identification Card was valid.

17 (1) In addition to the other requirements of this
18 paragraph (k), all persons who are not federally
19 licensed firearms dealers must also have complied with
20 subsection (a-10) of Section 3 of the Firearm Owners
21 Identification Card Act by determining the validity of
22 a purchaser's Firearm Owner's Identification Card.

23 (2) All sellers or transferors who have complied
24 with the requirements of subparagraph (1) of this
25 paragraph (k) shall not be liable for damages in any
26 civil action arising from the use or misuse by the

1 transferee of the firearm transferred, except for
2 willful or wanton misconduct on the part of the seller
3 or transferor.

4 (1) Not being entitled to the possession of a firearm,
5 delivers the firearm, knowing it to have been stolen or
6 converted. It may be inferred that a person who possesses a
7 firearm with knowledge that its serial number has been
8 removed or altered has knowledge that the firearm is stolen
9 or converted.

10 (B) Paragraph (h) of subsection (A) does not include
11 firearms sold within 6 months after enactment of Public Act
12 78-355 (approved August 21, 1973, effective October 1, 1973),
13 nor is any firearm legally owned or possessed by any citizen or
14 purchased by any citizen within 6 months after the enactment of
15 Public Act 78-355 subject to confiscation or seizure under the
16 provisions of that Public Act. Nothing in Public Act 78-355
17 shall be construed to prohibit the gift or trade of any firearm
18 if that firearm was legally held or acquired within 6 months
19 after the enactment of that Public Act.

20 (C) Sentence.

21 (1) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (c), (e), (f), (g),
23 or (h) of subsection (A) commits a Class 4 felony.

24 (2) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (b) or (i) of
26 subsection (A) commits a Class 3 felony.

1 (3) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (a) of subsection (A)
3 commits a Class 2 felony.

4 (4) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (a), (b), or (i) of
6 subsection (A) in any school, on the real property
7 comprising a school, within 1,000 feet of the real property
8 comprising a school, at a school related activity, or on or
9 within 1,000 feet of any conveyance owned, leased, or
10 contracted by a school or school district to transport
11 students to or from school or a school related activity,
12 regardless of the time of day or time of year at which the
13 offense was committed, commits a Class 1 felony. Any person
14 convicted of a second or subsequent violation of unlawful
15 sale or delivery of firearms in violation of paragraph (a),
16 (b), or (i) of subsection (A) in any school, on the real
17 property comprising a school, within 1,000 feet of the real
18 property comprising a school, at a school related activity,
19 or on or within 1,000 feet of any conveyance owned, leased,
20 or contracted by a school or school district to transport
21 students to or from school or a school related activity,
22 regardless of the time of day or time of year at which the
23 offense was committed, commits a Class 1 felony for which
24 the sentence shall be a term of imprisonment of no less
25 than 5 years and no more than 15 years.

26 (5) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (a) or (i) of
2 subsection (A) in residential property owned, operated, or
3 managed by a public housing agency or leased by a public
4 housing agency as part of a scattered site or mixed-income
5 development, in a public park, in a courthouse, on
6 residential property owned, operated, or managed by a
7 public housing agency or leased by a public housing agency
8 as part of a scattered site or mixed-income development, on
9 the real property comprising any public park, on the real
10 property comprising any courthouse, or on any public way
11 within 1,000 feet of the real property comprising any
12 public park, courthouse, or residential property owned,
13 operated, or managed by a public housing agency or leased
14 by a public housing agency as part of a scattered site or
15 mixed-income development commits a Class 2 felony.

16 (6) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (j) of subsection (A)
18 commits a Class A misdemeanor. A second or subsequent
19 violation is a Class 4 felony.

20 (7) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (k) of subsection (A)
22 commits a Class 4 felony, except that a violation of
23 subparagraph (1) of paragraph (k) of subsection (A) shall
24 not be punishable as a crime or petty offense. A third or
25 subsequent conviction for a violation of paragraph (k) of
26 subsection (A) is a Class 1 felony.

1 (8) A person 18 years of age or older convicted of
2 unlawful sale or delivery of firearms in violation of
3 paragraph (a) or (i) of subsection (A), when the firearm
4 that was sold or given to another person under 18 years of
5 age was used in the commission of or attempt to commit a
6 forcible felony, shall be fined or imprisoned, or both, not
7 to exceed the maximum provided for the most serious
8 forcible felony so committed or attempted by the person
9 under 18 years of age who was sold or given the firearm.

10 (9) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (d) of subsection (A)
12 commits a Class 3 felony.

13 (10) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (l) of subsection (A)
15 commits a Class 2 felony if the delivery is of one firearm.
16 Any person convicted of unlawful sale or delivery of
17 firearms in violation of paragraph (l) of subsection (A)
18 commits a Class 1 felony if the delivery is of not less
19 than 2 and not more than 5 firearms at the same time or
20 within a one year period. Any person convicted of unlawful
21 sale or delivery of firearms in violation of paragraph (l)
22 of subsection (A) commits a Class X felony for which he or
23 she shall be sentenced to a term of imprisonment of not
24 less than 6 years and not more than 30 years if the
25 delivery is of not less than 6 and not more than 10
26 firearms at the same time or within a 2 year period. Any

1 person convicted of unlawful sale or delivery of firearms
2 in violation of paragraph (1) of subsection (A) commits a
3 Class X felony for which he or she shall be sentenced to a
4 term of imprisonment of not less than 6 years and not more
5 than 40 years if the delivery is of not less than 11 and
6 not more than 20 firearms at the same time or within a 3
7 year period. Any person convicted of unlawful sale or
8 delivery of firearms in violation of paragraph (1) of
9 subsection (A) commits a Class X felony for which he or she
10 shall be sentenced to a term of imprisonment of not less
11 than 6 years and not more than 50 years if the delivery is
12 of not less than 21 and not more than 30 firearms at the
13 same time or within a 4 year period. Any person convicted
14 of unlawful sale or delivery of firearms in violation of
15 paragraph (1) of subsection (A) commits a Class X felony
16 for which he or she shall be sentenced to a term of
17 imprisonment of not less than 6 years and not more than 60
18 years if the delivery is of 31 or more firearms at the same
19 time or within a 5 year period.

20 (D) For purposes of this Section:

21 "School" means a public or private elementary or secondary
22 school, community college, college, or university.

23 "School related activity" means any sporting, social,
24 academic, or other activity for which students' attendance or
25 participation is sponsored, organized, or funded in whole or in
26 part by a school or school district.

1 (E) A prosecution for a violation of paragraph (k) of
2 subsection (A) of this Section may be commenced within 6 years
3 after the commission of the offense. A prosecution for a
4 violation of this Section other than paragraph (g) of
5 subsection (A) of this Section may be commenced within 5 years
6 after the commission of the offense defined in the particular
7 paragraph.

8 (Source: P.A. 97-227, eff. 1-1-12; 97-347, eff. 1-1-12; 97-813,
9 eff. 7-13-12; 97-1167, eff. 6-1-13; 98-508, eff. 8-19-13.)

10 Section 25. The Mental Health and Developmental
11 Disabilities Confidentiality Act is amended by changing
12 Section 12 as follows:

13 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

14 Sec. 12. (a) If the United States Secret Service or the
15 Department of State Police requests information from a mental
16 health or developmental disability facility, as defined in
17 Section 1-107 and 1-114 of the Mental Health and Developmental
18 Disabilities Code, relating to a specific recipient and the
19 facility director determines that disclosure of such
20 information may be necessary to protect the life of, or to
21 prevent the infliction of great bodily harm to, a public
22 official, or a person under the protection of the United States
23 Secret Service, only the following information may be
24 disclosed: the recipient's name, address, and age and the date

1 of any admission to or discharge from a facility; and any
2 information which would indicate whether or not the recipient
3 has a history of violence or presents a danger of violence to
4 the person under protection. Any information so disclosed shall
5 be used for investigative purposes only and shall not be
6 publicly disseminated. Any person participating in good faith
7 in the disclosure of such information in accordance with this
8 provision shall have immunity from any liability, civil,
9 criminal or otherwise, if such information is disclosed relying
10 upon the representation of an officer of the United States
11 Secret Service or the Department of State Police that a person
12 is under the protection of the United States Secret Service or
13 is a public official.

14 For the purpose of this subsection (a), the term "public
15 official" means the Governor, Lieutenant Governor, Attorney
16 General, Secretary of State, State Comptroller, State
17 Treasurer, member of the General Assembly, member of the United
18 States Congress, Judge of the United States as defined in 28
19 U.S.C. 451, Justice of the United States as defined in 28
20 U.S.C. 451, United States Magistrate Judge as defined in 28
21 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
22 Supreme, Appellate, Circuit, or Associate Judge of the State of
23 Illinois. The term shall also include the spouse, child or
24 children of a public official.

25 (b) The Department of Human Services (acting as successor
26 to the Department of Mental Health and Developmental

1 Disabilities) and all public or private hospitals and mental
2 health facilities are required, as hereafter described in this
3 subsection, to furnish the Department of State Police only such
4 information as may be required for the sole purpose of
5 determining whether an individual who may be or may have been a
6 patient is disqualified because of that status from receiving
7 or retaining a Firearm Owner's Identification Card or falls
8 within the federal prohibitors under subsection (e), (f), (g),
9 (r), (s), or (t) of Section 8 of the Firearm Owners
10 Identification Card Act, or falls within the federal
11 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
12 clinical psychologists, or qualified examiners at public or
13 private mental health facilities or parts thereof as defined in
14 this subsection shall, in the form and manner required by the
15 Department, provide notice directly to the Department of Human
16 Services, or to his or her employer who shall then report to
17 the Department, within 24 hours after determining that a person
18 ~~patient as described in clause (2) of the definition of~~
19 ~~"patient" in Section 1.1 of the Firearm Owners Identification~~
20 ~~Card Act~~ poses a clear and present danger to himself, herself,
21 or others, or within 7 days after a person 14 years or older is
22 determined to be developmentally disabled by a physician,
23 clinical psychologist, or qualified examiner as described in
24 Section 1.1 of the Firearm Owners Identification Card Act. If a
25 person is a patient as described in clause (1) of the
26 definition of "patient" in Section 1.1 of the Firearm Owners

1 Identification Card Act, this ~~This~~ information shall be
2 furnished ~~within 24 hours after the physician, clinical~~
3 ~~psychologist, or qualified examiner has made a determination,~~
4 ~~or~~ within 7 days after admission to a public or private
5 hospital or mental health facility or the provision of services
6 ~~to a patient described in clause (1) of the definition of~~
7 ~~"patient" in Section 1.1 of the Firearm Owners Identification~~
8 ~~Card Act.~~ Any such information disclosed under this subsection
9 shall remain privileged and confidential, and shall not be
10 redisclosed, except as required by subsection (e) of Section
11 3.1 of the Firearm Owners Identification Card Act, nor utilized
12 for any other purpose. The method of requiring the providing of
13 such information shall guarantee that no information is
14 released beyond what is necessary for this purpose. In
15 addition, the information disclosed shall be provided by the
16 Department within the time period established by Section 24-3
17 of the Criminal Code of 2012 regarding the delivery of
18 firearms. The method used shall be sufficient to provide the
19 necessary information within the prescribed time period, which
20 may include periodically providing lists to the Department of
21 Human Services or any public or private hospital or mental
22 health facility of Firearm Owner's Identification Card
23 applicants on which the Department or hospital shall indicate
24 the identities of those individuals who are to its knowledge
25 disqualified from having a Firearm Owner's Identification Card
26 for reasons described herein. The Department may provide for a

1 centralized source of information for the State on this subject
2 under its jurisdiction. The identity of the person reporting
3 under this subsection shall not be disclosed to the subject of
4 the report. For the purposes of this subsection, the physician,
5 clinical psychologist, or qualified examiner making the
6 determination and his or her employer shall not be held
7 criminally, civilly, or professionally liable for making or not
8 making the notification required under this subsection, except
9 for willful or wanton misconduct.

10 Any person, institution, or agency, under this Act,
11 participating in good faith in the reporting or disclosure of
12 records and communications otherwise in accordance with this
13 provision or with rules, regulations or guidelines issued by
14 the Department shall have immunity from any liability, civil,
15 criminal or otherwise, that might result by reason of the
16 action. For the purpose of any proceeding, civil or criminal,
17 arising out of a report or disclosure in accordance with this
18 provision, the good faith of any person, institution, or agency
19 so reporting or disclosing shall be presumed. The full extent
20 of the immunity provided in this subsection (b) shall apply to
21 any person, institution or agency that fails to make a report
22 or disclosure in the good faith belief that the report or
23 disclosure would violate federal regulations governing the
24 confidentiality of alcohol and drug abuse patient records
25 implementing 42 U.S.C. 290dd-3 and 290ee-3.

26 For purposes of this subsection (b) only, the following

1 terms shall have the meaning prescribed:

2 (1) (Blank).

3 (1.3) "Clear and present danger" has the meaning as
4 defined in Section 1.1 of the Firearm Owners Identification
5 Card Act.

6 (1.5) "Developmentally disabled" has the meaning as
7 defined in Section 1.1 of the Firearm Owners Identification
8 Card Act.

9 (2) "Patient" has the meaning as defined in Section 1.1
10 of the Firearm Owners Identification Card Act.

11 (3) "Mental health facility" has the meaning as defined
12 in Section 1.1 of the Firearm Owners Identification Card
13 Act.

14 (c) Upon the request of a peace officer who takes a person
15 into custody and transports such person to a mental health or
16 developmental disability facility pursuant to Section 3-606 or
17 4-404 of the Mental Health and Developmental Disabilities Code
18 or who transports a person from such facility, a facility
19 director shall furnish said peace officer the name, address,
20 age and name of the nearest relative of the person transported
21 to or from the mental health or developmental disability
22 facility. In no case shall the facility director disclose to
23 the peace officer any information relating to the diagnosis,
24 treatment or evaluation of the person's mental or physical
25 health.

26 For the purposes of this subsection (c), the terms "mental

1 health or developmental disability facility", "peace officer"
2 and "facility director" shall have the meanings ascribed to
3 them in the Mental Health and Developmental Disabilities Code.

4 (d) Upon the request of a peace officer or prosecuting
5 authority who is conducting a bona fide investigation of a
6 criminal offense, or attempting to apprehend a fugitive from
7 justice, a facility director may disclose whether a person is
8 present at the facility. Upon request of a peace officer or
9 prosecuting authority who has a valid forcible felony warrant
10 issued, a facility director shall disclose: (1) whether the
11 person who is the subject of the warrant is present at the
12 facility and (2) the date of that person's discharge or future
13 discharge from the facility. The requesting peace officer or
14 prosecuting authority must furnish a case number and the
15 purpose of the investigation or an outstanding arrest warrant
16 at the time of the request. Any person, institution, or agency
17 participating in good faith in disclosing such information in
18 accordance with this subsection (d) is immune from any
19 liability, civil, criminal or otherwise, that might result by
20 reason of the action.

21 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.